

In re Bard IVC Filters Products Liability Litigation, No. MDL 15-02641-PHX-DGC**SUGGESTION OF REMAND AND TRANSFER ORDER (FIFTH)****Exhibit 1 – MDL Orders**

CASE MANAGEMENT ORDERS (CMOs)		
Date Filed	Doc. No	Docket Text
10/30/2015	248	CMO 1 re Leadership Counsel Appointments
11/16/2016	4016	Amended CMO 1 re Leadership Counsel Appointments
03/21/2017	5285	Second Amended CMO 1 re Plaintiff Leadership Team
02/04/2019	15098	Third Amended CMO 1 re Plaintiff Leadership Team
10/30/2015	249	CMO 2 re Setting Deadlines, First Phase of Discovery
12/01/2015	314	CMO 3 re Non-waiver Order Pursuant to Rule 502(d)
12/17/2015	363	CMO 4 re Master Complaint, Responsive Pleadings, Short Form Complaint, Waiver, and Answer
3/17/2016	1108	Amended CMO 4 re Master Complaint, Responsive Pleadings, Short Form Complaint, Waiver, and Answer
4/20/2016	1485	Second Amended CMO 4 re Master Complaint, Responsive Pleadings, Short Form Complaint, Waiver, and Answer
12/17/2015	365	CMO 5 re Plaintiff and Defendant Profile Forms
03/03/2016	927	Amended CMO 5 re Plaintiff and Defendant Profile Forms
12/18/2015	372	CMO 6 re Rules to Establishing Common Benefit Fee
01/05/2016	401	CMO 7 re Stipulations Concerning Redactions
02/02/2016	519	CMO 8 re Second Phase of Discovery
03/31/2016	1259	CMO 9 re ESI and production protocol
04/01/2016	1319	CMO 10 re Second Phase Discovery, Bellwether, ESI, FDA, Deposition, and Privilege Log
05/05/2016	1662	CMO 11 re Bellwether Selection Process
05/05/2016	1663	CMO 12 re Joint Record Collection
06/21/2016	2238	CMO 13 re ESI, FDA Warning Letter and Designations
06/21/2016	2239	CMO 14 re Deposition Protocols
08/25/2016	3214	CMO 15 re <i>Lexecon</i> Waivers, ESI Discovery, Multi-plaintiff Actions, and Deceased Plaintiffs
08/25/2016	3215	CMO 16 re Deadlines Related to Barraza

CASE MANAGEMENT ORDERS (CMOs)		
Date Filed	Doc. No	Docket Text
12/02/2016	4141	Amended CMO 16 re Deadlines Related to Barraza
09/14/2016	3372	CMO 17 re Protective Order and Expedited ESI Production
11/16/2016	4015	Amended CMO 17 re Protective Order and Redactions of Material from Expedited ESI Production
10/17/2016	3685	CMO 18 re Adjusted Discovery Schedule
12/13/2016	4311	CMO 19 re ESI and Bellwether Selection
12/22/2016	4335	CMO 20 re Discovery Deadlines for Discovery Group 1 and Bellwether Group 1
02/06/2017	4866	CMO 21 re Discovery Protocols for Discovery Group 1
02/17/2017	5007	CMO 22 re Setting Deadlines
05/05/2017	5770	CMO 23 re Expert Deposition Deadlines, Bellwether Case Selection, Preemption Motion for Summary Judgment, and Mature Cases
05/19/2017	5881	CMO 23 re Discovery Protocols for Bellwether Group 1
05/19/2017	5883	Amended CMO 24 re Discovery Protocols for Bellwether Group 1
06/06/2017	6227	CMO 25 re Bellwether Group 1 Amended Discovery Schedule
07/17/2017	6799	CMO 26 re Depositions of Dr. Henry and Dr. Altonaga, Communications among Plaintiffs' Experts, and Bellwether Trial Issues
10/10/2017	8113	CMO 27 re Privilege Issues, Bellwether Trial Schedule, Plaintiffs' Motion for Partial Summary Judgment, and Recusal Unnecessary
11/21/2017	8871	CMO 28 re Booker Bellwether Trial Schedule, and Mature Cases
12/21/2017	9415	CMO 29 re Booker Bellwether Trial Schedule, Motion to Certify Appeal, and <i>Cisson</i> Motion Briefing
01/23/2018	9775	CMO 30 re Motions Hearings, Motions in Limine, and Punitive Damages in Booker
03/02/2018	10323	CMO 31 re Booker Trial
05/07/2018	11011	CMO 32 re Jones Trial
06/01/2018	11320	CMO 33 re Mulkey as Next Bellwether Selection, and Mulkey Trial Schedule

CASE MANAGEMENT ORDERS (CMOs)		
Date Filed	Doc. No	Docket Text
06/28/2018	11659	CMO 34 re Next 3 Bellwether Trials, Kruse Trial Schedule, Use of Dr. Kandarpa at Trial, Sixth Bellwether Tinlin, Disposition of SNF Cases, and Remand of Mature Cases
07/13/2018	11871	CMO 35 re September, November and May Bellwether Trials, and Hyde September Bellwether Trial Schedule
08/02/2018	12061	CMO 36 re Tinlin Bellwether Pre-trial Schedule
10/04/2018	12830	CMO 37 re Hyde Trial
10/05/2018	12853	CMO 38 re Future Bellwether Trials, February and May Bellwether Trials, Motion to Seal Trial Exhibits, Settlement Talks and Remand, and SNF Cases
10/16/2018	12971	CMO 39 re Tinlin Bellwether Case
11/08/2018	13329	CMO 40 re Mulkey Bellwether Trial
02/08/2019	15176	CMO 41 re Tinlin Trial, SNF Cases, Remand of Mature Cases, and Possible Settlement Procedures
03/21/2019	16343	CMO 42 re Tinlin Trial, SNF Cases, Duplicative Cases, Settlement Procedures and Remand or Transfer
05/02/2019	17494	CMO 43 re Tinlin Trial, Common Benefit Fund Fee and Expense Accounts, Closing Date for New Cases and Remand or Transfer, and SNF Cases
05/16/2019	17777	CMO 44 re Common Benefit Fund Accounts
05/31/2019	18079	CMO 45 re MDL Closure
08/20/2019	21480	CMO 46 re Common Benefit Fee and Cost Committee (Sealed Ex Parte Order)
10/17/2019	21528	Amended CMO 46 (Sealed Ex Parte Order)
07/16/2020	21540	CMO 47 re settlement status of cases and cases dismissed without prejudice

DISCOVERY ORDERS		
Date Filed	Docket No	Docket Text
10/30/2015	249	CMO 2 re Setting Deadlines, First Phase of Discovery
02/02/2016	519	CMO 8 re Second Phase of Discovery

DISCOVERY ORDERS		
Date Filed	Docket No	Docket Text
03/31/2016	1259	CMO 9 re ESI and production protocol
04/01/2016	1319	CMO 10 re Second Phase Discovery, Bellwether, ESI, FDA, Deposition, and Privilege Log
05/05/2016	1663	CMO 12 re Joint Record Collection
06/21/2016	2238	CMO 13 re ESI, FDA Warning Letter and Designations
06/21/2016	2239	CMO 14 re Deposition Protocols
08/25/2016	3214	CMO 15 re <i>Lexecon</i> Waivers, ESI Discovery, Multi-plaintiff Actions, and Deceased Plaintiffs
08/29/2016	3272	Order re Deposition of Jim Beasley
09/06/2016	3312	Order re discovery disputes concerning Plaintiffs' communications with FDA
09/06/2016	3313	Order re Plaintiffs' communications with NBC or other media outlets and admissibility at trial
09/06/2016	3314	Order re Plaintiffs' third party funding arrangements
09/14/2016	3372	CMO 17 re Protective Order and Expedited ESI Production
11/16/2016	4015	Amended CMO 17 re Protective Order and Redactions of Material from Expedited ESI Production
09/16/2016	3398	Order re ESI generated by foreign entities that sell filters abroad
10/17/2016	3685	CMO 18 re Adjusted Discovery Schedule
12/13/2016	4311	CMO 19 re ESI and Bellwether Selection
12/22/2016	4335	CMO 20 re Discovery Deadlines for Discovery Group 1 and Bellwether Group 1
12/24/2016	4339	Order re proposed depositions of and interrogatories to Plaintiffs' counsel
02/06/2017	4865	Order re discovery dispute on ex parte communications with treating physicians and depositions of treating physicians and sales representatives
02/06/2017	4866	CMO 21 re Discovery Protocols for Discovery Group 1
05/05/2017	5770	CMO 23 re Expert Deposition Deadlines, Bellwether Case Selection, Preemption Motion for Summary Judgment, and Mature Cases
05/19/2017	5881	CMO 23 re Discovery Protocols for Bellwether Group 1

DISCOVERY ORDERS		
Date Filed	Docket No	Docket Text
05/19/2017	5883	Amended CMO 24 re Discovery Protocols for Bellwether Group 1
06/06/2017	6227	CMO 25 re Bellwether Group 1 Amended Discovery Schedule
07/17/2017	6799	CMO 26 re Depositions of Dr. Henry and Dr. Altonaga, Communications among Plaintiffs' Experts, and Bellwether Trial Issues

DISCOVERY AND PRIVILEGE ORDERS		
Date Filed	Docket No	Docket Text
12/01/2015	314	CMO 3 re Non-waiver Order Pursuant to Rule 502(d)
02/11/2016	699	Order re Motion for Protective Order concerning Dr. John Lehmann's December 15, 2004, report as protected work product
07/25/2016	2813	Order re Plaintiffs' Motion to Compel (Privilege Log Issues)
02/06/2017	4865	Order re discovery dispute on ex parte communications with treating physicians and depositions of treating physicians and sales representatives
07/17/2017	6799	CMO 26 re Depositions of Dr. Henry and Dr. Altonaga, Communications among Plaintiffs' Experts, and Bellwether Trial Issues
10/10/2017	8113	CMO 27 re Privilege Issues, Bellwether Trial Schedule, Plaintiffs' Motion for Partial Summary Judgment, and Recusal Unnecessary
10/20/2017	8315	Order that Plaintiffs need not produce the withheld expert communications or provide a privilege log on these communications to Defendants.

DAUBERT ORDERS		
Date Filed	Docket No	Docket Text
12/21/2017	9428	Order re Motion to Disqualify Plaintiffs' Expert Thomas Kinney, M.D.
12/21/2017	9432	Order re Motion to Disqualify Plaintiffs' Experts Drs. Resnick, Vogelzang, and Desai

DAUBERT ORDERS		
Date Filed	Docket No	Docket Text
12/22/2017	9433	Order re Motion to Exclude Plaintiffs' Experts Drs. Parisian and Kessler
12/22/2017	9434	Order re Motion to Exclude Plaintiffs' Experts Drs. Kinney, Roberts, and Kalva
01/22/2018	9770	Order re Motion to Exclude Plaintiffs' Expert Dr. Eisenberg
01/22/2018	9771	Order re Motion to Exclude Plaintiffs' Expert Dr. Muehrcke
01/22/2018	9772	Order re Motion to Exclude Plaintiffs' Expert Dr. Hurst
01/22/2018	9773	Order re Motion to Exclude Plaintiffs' Expert Dr. Betensky
02/06/2018	9991	Order re Motion to Exclude Bard's Expert Dr. Grassi
02/08/2018	10051	Order re Motion to Exclude Plaintiffs' Expert Dr. McMeeking
02/08/2018	10052	Order re Motion to Exclude Plaintiffs' Expert Dr. Ritchie
02/12/2018	10072	Order re Motion to Exclude Plaintiffs' Experts Drs. Garcia and Streiff
02/21/2018	10230	Order re Motion to Exclude Bard's Experts Drs. Grassi and Morris
02/21/2018	10231	Order re Motion to Exclude Bard's Expert Dr. Morris
04/16/2019	16992	Order re Motion to Exclude Plaintiffs' Expert Dr. McMeeking
04/23/2019	17285	Order re Motion to Exclude Bard's Expert Dr. Morris

MOTIONS IN LIMINE ORDERS		
Date Filed	Docket No	Docket Text
01/23/2018	9775	CMO 30 re Motions Hearings, Motions in Limine, and Punitive Damages in Booker
01/26/2018	9861	Joint Stipulation re prohibiting raising certain issues in the presence of the jury for Booker Bellwether case
01/29/2018	9881	Order re admissibility of (1) pre-market clearance of Bard IVC filters by FDA and (2) the lack of FDA Enforcement Action against Bard
02/15/2018	10075	Order re Motions in Limine re Photographs of Mike Randall, Dr. Kinney work for Bard, Benevolent Activities, Evidence Not

MOTIONS IN LIMINE ORDERS		
Date Filed	Docket No	Docket Text
		Produced in Complaint Files, Prior Judicial Opinions, Adverse Impact of a Plaintiff's Verdict, Informed Consent Form, Dr. Kang Social Media Posts, Personal Traits of Employees and Witnesses for Booker Bellwether case
02/22/2018	10235	Order re Parties' Joint Stipulation re prohibiting raising certain issues in the presence of the jury for Booker Bellwether case
03/01/2018	10258	Order re Motions in Limine re Recovery® Filter Complications, Recovery® Filter Development, FDA Warning Letter, IVC Filter as Lifesaving Devices, IVC filters are Gold Standard, Nonparties at Fault, Statements from Associations and Other Groups, FDA Consent for Warnings or Recalls for Booker Bellwether case
03/09/2018	10382	Order re Plaintiff's use of the depositions of Drs. Moritz, Rogers, and Stein at trial
03/19/2018	10489	Order re Simon Nitinol Filter complication evidence
04/18/2018	10819	Order re reconsideration motions relating to Recovery® Filter Evidence and cephalad Migration Deaths for Jones Bellwether case
04/27/2018	10920	Order re Plaintiff's motion for reconsideration of Court Order excluding evidence of Recovery® Filter Cephalad Migration Deaths for Jones Bellwether case
05/03/2018	10947	Order re Motions in Limine re (1) Case Specific Medical Issues (2) Relatives receipt of IVC Filters, (3) Experts Retained In Other Litigation, (4) Attorney Advertising, (5) Other Lawsuits for Jones Bellwether case
05/08/2018	11041	Order re cephalad migration deaths for Jones Bellwether case
05/15/2018	11082	Order re reconsideration of Recovery migration deaths
05/29/2018	11256	Order re cephalad migration, Recovery filter and deaths and FDA evidence for Jones Bellwether case
09/04/2018	12507	Order re SIR Guidelines and IFU for Hyde Bellwether case
09/07/2018	12533	Order re cephalad migration deaths, SNF as reasonable alternative design, personal opinions of Dr. Muehrcke, informed consent, FDA evidence, Surgeon General's Call to Action, and falling accidents for Hyde Bellwether case
04/23/2019	17285	Order re medical care as an intervening cause of injury for Tinlin Bellwether case

MOTIONS IN LIMINE ORDERS		
Date Filed	Docket No	Docket Text
04/26/2019	17401	Order re Ms. Tinlin's IVC Size, unrelated medical conditions, rates of filter complications, retrievable filter sales versus SNF sales, social security benefits, cephalad migration deaths, FDA warning letter, crisis communications plan, and patient at Dr. Muehrcke's hospital for Tinlin Bellwether case

DEPOSITION DESIGNATION ORDERS		
Date Filed	Docket No	Docket Text
03/07/2018	10348	Order re deposition designations for Booker Bellwether case
03/12/2018	10403	Order re deposition designations for Booker Bellwether case
03/14/2018	10438	Order re deposition designations for Booker Bellwether case
03/19/2018	10486	Order re deposition designations for Booker Bellwether case
03/21/2018	10497	Order re deposition designations for Booker Bellwether case
03/26/2018	10524	Order re deposition designations for Booker Bellwether case
05/01/2018	10922	Order re deposition designations for Jones Bellwether case
05/10/2018	11064	Order re deposition designations for Jones Bellwether case
05/11/2018	11073	Order re deposition designations for Jones Bellwether case
05/14/2018	11080	Order re deposition designations for Jones Bellwether case
05/31/2018	11313	Order re deposition designations for Jones Bellwether case
08/27/2018	12357	Order re deposition designations for Hyde Bellwether case
09/04/2018	12508	Order re deposition designations for Hyde Bellwether case
09/12/2018	12590	Order re deposition designations for Hyde Bellwether case
09/13/2018	12595	Order re deposition designations for Hyde Bellwether case
09/17/2018	12598	Order re deposition designations for Hyde Bellwether case
04/26/2019	17386	Order re deposition designations for Tinlin Bellwether case
05/03/2019	17513	Order re deposition designations for Tinlin Bellwether case
05/07/2019	17582	Order re deposition designations for Tinlin Bellwether case

MISCELLANEOUS ORDERS		
Date Filed	Docket No	Docket Text
11/10/2015	269	Amended Stipulated Protective Order re Confidentiality
11/22/2017	8872	Order re Bard's Motion for Summary Judgment on Preemption Grounds
11/22/2017	8874	Order re Bard's Motion for Summary Judgment for Booker Bellwether case
03/12/2018	10404	Order re Bard's Motion for Summary Judgment for Jones Bellwether case
03/30/2018	10587	Order re final trial preparation and setting Final Pretrial Conference for Jones Bellwether case.
06/01/2018	11321	Order re final trial preparation and setting Final Pretrial Conference for Mulkey Bellwether case.
06/28/2018	11659	Order re final trial preparation and setting Final Pretrial Conference for Kruse Bellwether case.
07/13/2018	11871	Order re final trial preparation and setting Final Pretrial Conference for Hyde Bellwether case.
07/26/2018	12007	Order re Bard's Motion for Summary Judgment for Hyde Bellwether case
08/02/2018	12061	Order re final trial preparation for Tinlin Bellwether case.
08/17/2018	12202	Order re Bard's Motion for Summary Judgment for Kruse Bellwether case
09/12/2018	12589	Order re Preemption of Negligence Per Se for Hyde Bellwether case
09/13/2018	12593	Order re reconsideration of Order denying Wisconsin Government Rules Rebuttable Presumption of Non-Defect for Hyde Bellwether case
10/05/2018	12853	Order re amended schedule for final trial preparation and setting Final Pretrial Conference for Mulkey and Tinlin Bellwether cases.
10/16/2018	12971	Order re amended schedule for final trial preparation and setting Final Pretrial Conference for Tinlin Bellwether case.
04/16/2019	17008	Order re Bard's Motion for Summary Judgment for Tinlin Bellwether case
05/31/2019	18038	Order re Plaintiffs Steering Committee's Motion to Modify CMO 6 to Increase the Common Benefit Assessments

MISCELLANEOUS ORDERS		
Date Filed	Docket No	Docket Text
03/04/2020	21461	Order Addressing Cases with Service of Process and Plaintiff Profile Form Issues, Cases for Which No Federal Jurisdiction Exists, and Duplicate Cases
07/08/2020	21527	Order re vacating dismissals of cases dismissed without prejudice
09/08/2020	21579	Order Addressing Cases with Service of Process and Plaintiff Profile Form Issues, Cases for Which No Federal Jurisdiction Exists, and Duplicate Cases

MASTER AND SHORT-FORM PLEADINGS		
Date Filed	Docket No	Docket Text
10/30/2015	249	CMO 2 re Setting Deadlines, First Phase of Discovery
12/17/2015	363	CMO 4 re Master Complaint, Responsive Pleadings, Short Form Complaint, Waiver, and Answer
3/17/2016	1108	Amended CMO 4 re Master Complaint, Responsive Pleadings, Short Form Complaint, Waiver, and Answer
4/20/2016	1485	Second Amended CMO 4 re Master Complaint, Responsive Pleadings, Short Form Complaint, Waiver, and Answer
12/17/2015	364	Master Complaint for Damages for Individual Claims
11/30/2015	303-2	Master Short Form Complaint for Damages for Individual Claims
12/17/2015	366	Defendants' Answer to Plaintiffs' Master Complaint
12/17/2015	365	CMO 5 re Plaintiff and Defendant Profile Forms
03/03/2016	927	Amended CMO 5 re Plaintiff and Defendant Profile Forms
03/18/2016	1153-1	Plaintiff Fact Sheet
03/18/2016	1153-2	Defendant Fact Sheet